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Attorneys for Defendants
UBER TECHNOLOGIES, INC.
and OTTOMOTTO LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

v.

UBER TECHNOLOGIES, INC.,
OTTOMOTTO LLC; OTTO TRUCKING LLC,

Defendants.

Case No. 3:17-cv-00939-WHA

**DECLARATION OF MATTHEW R.
BERRY IN SUPPORT OF
DEFENDANTS UBER
TECHNOLOGIES, INC. AND
OTTOMOTTO, LLC'S
OPPOSITION TO WAYMO'S
MOTION TO SUPPLEMENT ITS
TRIAL WITNESS LIST**

Trial Date: February 5, 2018

1 I, Matthew R. Berry, declare as follows:

2 1. I am a partner with the law firm of Susman Godfrey. I am a member in good
3 standing of the Bar of the State of Washington. I make this declaration based on personal
4 knowledge and, if called as a witness, I could and would testify competently to the matters set
5 forth herein. I make this declaration in support of Defendants Uber Technologies, Inc. and
6 Ottomotto LLC's Opposition to Waymo's Motion to Supplement its Trial Witness List.

7 2. Attached as **Exhibit 1** is a true and correct copy of excerpted pages from the
8 Court's Supplemental Order to Order Setting Initial Case Management Conference in Civil Cases.

9 3. Attached as **Exhibit 2** is a true and correct copy of excerpted pages from the
10 Court's Jury Trial Guidelines.

11 4. Attached as **Exhibit 3** is a true and correct copy of excerpted pages from the
12 October 26, 2017 Hearing Transcript.

13 5. Attached as **Exhibit 4** is a true and correct copy of the November 22, 2017 email
14 from Waymo's counsel.

15 6. Attached as **Exhibit 5** is a true and correct copy of excerpted pages from
16 Plaintiff's Amended Fourth Supplemental Objections and Responses to Uber's First Set of
17 Interrogatories.

18 7. Attached as **Exhibit 6** is a true and correct copy of excerpted pages from the
19 8/24/2017 corporate representative deposition of Shawn Banazadeh.

20 I declare under penalty of perjury that the foregoing is true and correct. Executed this 3rd
21 day of December, 2017 at Seattle, Washington.

22
23 /s/ Matthew R. Berry
24 MATTHEW R. BERRY
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ATTESTATION OF E-FILED SIGNATURE

I, Arturo J. González am the ECF User whose ID and password are being used to file this Declaration. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that Matthew R. Berry has concurred in this filing.

Dated: December 3, 2017

/s/ Arturo J. González

ARTURO J. GONZÁLEZ